

IN THE PLANNING COMMISSION OF WOODBURN, OREGON

DR 2010-07

)

FINAL ORDER

)

VAR 2010-06

)

WHEREAS, a request was made by Jim Schlatter, representing Jer-Ann, LLC, property owner, for requests a Design Review for a 4,064 square foot structure on an existing developed lot, and a Variance to allow two existing pole signs to remain, and;

WHEREAS, the Planning Commission reviewed the matter at the meeting of December 9, 2010 and;

WHEREAS, the Planning Commission considered the written and oral testimony presented by staff and the applicant, and;

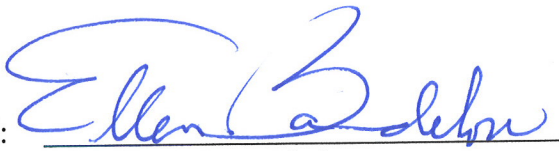
WHEREAS, the Planning Commission closed the hearing, and;

WHEREAS, the Planning Commission moved to approve case numbers DR 2010-07 and VAR 2010-06 and instructed staff to prepare findings and conclusions,

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE COMMISSION:

The Planning Commission approves case numbers DR 2010-07 and VAR 2010-06 based on the findings and conclusions contained in Exhibit "A", and subject to the conditions of approval contained in Exhibit "B", which are attached hereto and by reference incorporated herein and which the Planning Commission finds reasonable.

Approved:



Ellen Bandelow, Chairperson

12-09-2010

Date

FINAL ORDER
DR 2010-07, VAR 2010-06
EXHIBIT A

Findings: Per Section 5.103.02 (Table 4.1), Design Reviews for structures 1,000 square feet or more are Type III decisions. The current application is for a 4,064 square foot structure. Per Section WDO 4.101.10.C, the Planning Commission is the City decision-maker for Type III decisions.

Conclusion: The application is correctly filed as a Type III decision.

1.104 Nonconforming Uses and Development Standards

Findings: Section 1.104.05, Change or Expansion of an Existing Use with Nonconforming Parking, Loading and/or Landscaping, provides that “Any additional parking, loading, landscaping, wall and/or refuse facility required by the WDO to accommodate a change in use, or expansion of an existing use shall be subject to the following:

- A. Applications subject to Design Review, Section 5.103.02, shall conform to all parking, loading, landscaping, wall and refuse facility requirements for the subject use to the standards of the WDO.”

This *application* is for a new structure, and not for a change or expansion of an existing structure. The application is subject to a Type III Design Review under Section 5.103.02. The existing building was established under Site Plan Review SPR 1986-01.

Conclusion: This application is required to meet all parking, loading, landscaping, wall and refuse facility requirements. The existing building and the remainder of the site are not required to meet the current standards.

Note: This provision was previously interpreted as requiring the *entire site* to conform to the current WDO standards, whenever a Type III Design Review occurred on the property. The present interpretation that current WDO standards apply only to the current *application* (and that previously approved buildings and uses may remain nonconforming) is being made.

WDO 2.109 Industrial Park (IP) district standards

Findings: Table 2.1.15 provides that “In an IP zone the lot area for a non-residential use shall be adequate to contain all structures within the required setbacks. There shall be no minimum width or depth.” The plans show the proposed nonresidential building to meet required setbacks.

Conclusion: The lot is conforming in the IP zone.

Findings: Section 2.109.06.B provides that “The maximum height of buildings shall not exceed 45 feet” The elevation drawings show that the building height is approximately 28 feet.

Conclusion: The building is conforming for height in the IP zone.

Findings: Section 2.109.06.C.1.a provides that “The minimum setback abutting a street shall be 10 feet plus any Special Setback, Section 3.103.05.” The project plans show the building to be located 10 feet from National Way.

Conclusions: The building meets the required front setback.

Findings: Section 2.110.06.C.1.b.1 provides that “Off-street parking, maneuvering and storage shall be prohibited within a required setback EXCEPT for parking, maneuvering and storage adjacent to a wall.” The project plan shows no parking and maneuvering areas within a setback.

Conclusion: The project complies with Section 2.110.06.C.1.b.1.

TABLE 2.1.16 Interior Yard and Buffer Standards for IP Zones			
Abutting Property	Landscaping	Wall	Interior Setback
CG, DDC, NNC, IP, SWIR or IL zone	There is no buffer yard landscaping requirement for an interior yard abutting a buffer wall.	Alternative A: Wall requirements shall be determined in conjunction with the applicable Design Review process.	Alternative A: 5 ft.
		Alternative B: No wall required.	Alternative B: Zero setback abutting a building wall.

Findings: Table 2.1.16 sets the side and rear yard requirements in the IP zone. The property abuts land zoned Industrial Park (IP). The project plans show the proposed building to be located more than 5 feet from all side property lines.

Conclusion: The proposed building meets the interior setbacks for the IP zone.

Findings: Table 2.1.16 specifies that wall requirements shall be determined in conjunction with the Design Review process. No wall is proposed for this development.

Conclusions: The purpose of the wall is to separate incompatible land uses and to screen parking from adjacent properties and streets. The site is in the industrial park, and is surrounded by industrial properties. There is no purpose in requiring a perimeter wall in this instance.

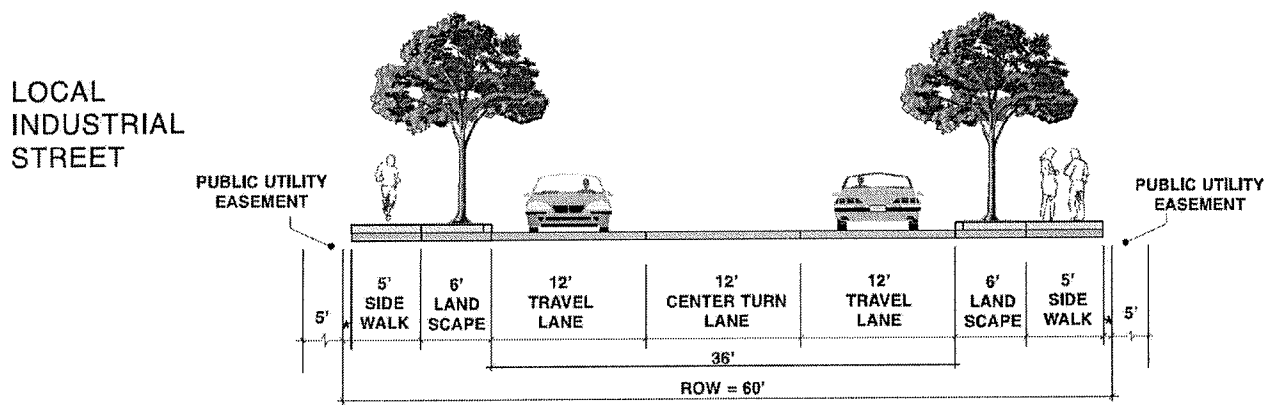
Findings: Section 2.109.07.E.3 provides that “Common refuse collection facilities shall be screened on all sides by an architectural block wall and solid gate, both with an anti-graffiti surface, a minimum of six feet and a maximum of seven feet in height.” The site plan does not

show refuse collection facilities, and refuse collection is not addressed in the project narrative. The property owner anticipates that the proposed building will generate little solid waste, and that the refuse will be disposed of in the existing facilities.

Conclusion: As no new refuse collection facilities are proposed, the standards of Section 2.109.07.E.3 do not apply to the proposed development.

WDO 3.101 Street Standards

Findings: National Way and Pacific Highway 99E are the Boundary and the Connecting Streets for the subject parcel, as defined in WDO 1.102 and shown in Figure 6.12. National Way is classified as a local industrial street in the Transportation System Plan. The required cross-section is a 60 foot right-of-way, 36 foot improved driving surface (two 12 foot traffic lanes and a 12 foot center turn lane), 6 foot landscape strips and 5 foot sidewalks on both sides. The existing cross-section is a 90 foot right-of-way with 45 feet of improvements (2 foot curb and gutter on each side, and 41 feet improved driving surface), no planter strip and no sidewalks on either side. National Way is marked “No Parking” on both sides. The applicant proposes to construct a sidewalk adjacent to the building on National Way.



Detail from Figure 7-2 of the Transportation System Plan

Conclusions: The right-of-way exceeds the dedication required by the Transportation System Plan. The applicant must provide the full street improvements required by the Transportation System Plan for National Way (a sidewalk along the full frontage), or obtain an Exception to Street Right-of-Way and Improvement Requirements, in accordance with Section 3.101.02.D.

WDO 3.104 Access

Findings: Section 3.104.01.B.1 provides that “A City permit shall be required for any new or modified vehicular access to a street that is under City jurisdiction.” The project does not include a new vehicular access or modifications to the existing access points.

Conclusion: An access permit is not required.

Findings: Section 3.104.05.E.1.b.1 provides that driveways for commercial and industrial uses have a throat and travel lane width of 26 feet minimum, 36 feet maximum. The site plan shows the driveway to Pacific Highway to be 24 feet in width. The driveway to Pacific Highway was established under the Woodburn Zoning Ordinance pursuant to case SPR 1986-01. The two driveways to National Way are 30 feet in width.

Conclusions: The proposed development complies with Section 3.104.05.E.1.b.1.

Findings: Section 3.104.05.E.4 provides that the throat length of a driveway onto a local street, extending from the closest off street parking or loading space to the outside edge of right of way, be a minimum of 20 feet. National Way is classified as a local industrial street in the Transportation System Plan. The site plan shows a throat length of approximately 120 feet.

Conclusion: The proposed development complies with Section 3.104.05.E.4.

WDO 3.105 Off-Street Parking and Loading

Findings: Section 3.105.01.A provides that all requirements and standards of Section 3.105 shall apply to any new building or structure erected after the effective date of the WDO. The proposed development is a new building. Section 3.105.01.B provides that any additional parking and/or loading required by the WDO to accommodate the expansion of an existing use through a Type III Design Review shall conform all parking, loading and landscaping for the subject use to the standards of the WDO. The existing building and off-street parking were established under Site Plan Review SPR 1986-01.

Conclusions: The proposed development is not an expansion of an existing use, but rather is a new building. All requirements and standards of Section 3.105 apply to the new building, but not to the existing building.

Findings: Table 3.1.2 gives the required for off-street parking ratio. Site Plan Review SPR 1986-01 required 40 parking spaces, which were provided. The proposed repair shop encloses 4,064 square feet.

TABLE 3.1.2 Off Street Parking Ratio Standards	
Use	Parking Ratio - spaces per activity unit or square feet of gross floor area (sfgfa)
35. Commercial and industrial equipment repair (8113)	1.0/ 800 sfgfa or 1.0/ employee

Conclusions: The proposed repair shop requires 5 off-street parking spaces, in addition to the 40 spaces required and provided under Site Plan Review SPR 1986-01. The proposed development does not meet the standard of Table 3.1.2. The property owner must provide at least 5 additional off-street parking spaces.

Findings: Section 3.105.02.E.3 provides that “The number of disabled person vehicle parking spaces shall be provided to the standards of the state Building Code and applicable federal standards.” The state requirements are codified in ORS 447.233.

The number of accessible parking spaces shall be:

Total Parking In Lot	Required Minimum Number of Accessible Spaces
26 to 50	2

[ORS 447.233(2)(a)]

In addition, one in every eight accessible spaces, but not less than one, shall be van accessible.
[ORS 447.233(2)(b)]

A van accessible parking space shall be at least nine feet wide and shall have an adjacent access aisle that is at least eight feet wide. [ORS 447.233(2)(b)]

Accessible parking spaces shall be at least nine feet wide and shall have an adjacent access aisle that is at least six feet wide. [ORS 447.233(2)(c)]

Forty parking spaces were required under Site Plan Review SPR 1986-01. The current application requires an additional 5 spaces. The site plan does not show accessible spaces

Conclusions: The proposed development has not been shown to meet the requirements of ORS 447.233(2) (a) through (c). The property owner must provide at least 2 accessible parking spaces, including at least one van-accessible space.

Findings: Section 3.105.02.F provides that a maximum of 20 percent of the required vehicle parking spaces may be satisfied by compact vehicle parking spaces. The site plan shows no compact vehicle parking spaces.

Conclusion: The proposed development complies with Section 3.105.02.F.

Findings: Table 3.1.3 sets the minimum requirements for loading spaces. Property tax records indicate that the existing building has 17,100 square feet of gross floor area. The proposed building has 4,064 square feet of gross floor area.

TABLE 3.1.3 Loading Space Requirements				
Use	Minimum No. of Spaces	Minimum Size of Space		
		Width	Length	Height
For all uses other than residential or entirely office use (square feet of gross floor area) 10,000 - 41,999	2	12 feet	30	14

Conclusion: The existing development requires 2 loading spaces. The proposed development does not increase the gross floor area of the site to more than 41,999 square feet, and therefore requires no additional loading space.

Findings: Table 3.1.4 sets the minimum dimensions for parking spaces and drive aisles. The site plan shows forty existing 90° parking spaces that scale at approximately 9 feet wide and 19 feet long. The drive aisles are shown as at least 32 feet wide. The site plan does not show additional off-street parking for the proposed development.

TABLE 3.1.4 Parking Space and Aisle Dimensions (See Figure 6.10)						
Aisle	Type	Width (Measured from the midpoint of the double stripe)	Curb Length	1-Way Aisle Width	2-Way Aisle Width	Stall Depth
90°	Standard	9.0 feet	9.0 feet	24.0 feet	24.0 feet	19.0 feet

Conclusions: The proposed development has not been shown to meet the requirements of Table 3.1.4 for the proposed development. The property owner must provide parking space and aisle dimensions that comply with Table 3.1.4 for the 5 new off-street parking spaces.

Findings: Section 3.105.02.H.5 provides that “Off-street parking and maneuvering areas shall have directional markings and signs to control vehicle movement.” The site plan does not show directional pavement markings.

Conclusions: The proposed development does not meet the requirements of Section 3.105.02.H.5. The property owner must provide directional markings and signs in the off-street parking area to control vehicle movement.

Findings: Section 3.105.02.H.6 provides that “Off street parking spaces shall be delineated by double parallel lines on each side of a space. The total width of the lines shall delineate a separation of 2 feet.” A site visit revealed that there is little of the original striping remaining. The site plan does not show additional off-street parking for the proposed development.

Conclusions: The proposed development has not been shown to comply with Section 3.105.02.H.6. The additional off-street parking for the proposed development must be delineated by double parallel lines on each side of a space. The property owner is encouraged, but not required, to provide conforming striping for all parking spaces.

Findings: Section 3.105.02.H.10 provides that “All uses required to provide 10 or more off street parking spaces shall provide a bicycle rack within 50 feet of the main entrance. The number of required rack spaces shall be one plus one per ten vehicle parking spaces, with a maximum of 20 rack spaces.” The proposed development requires 5 additional parking spaces. The site plan does not show bike spaces.

Conclusions: The bicycle rack requirement is only for the proposed development. The property owner must provide one bicycle rack space, in accordance with Section 3.105.02.H.10.

WDO 3.106

Landscaping Standards

Findings: Section 3.106.01 provides that the landscaping requirements apply to the site area for all new structures and related parking, and to the entire site area of the development where the total area covered by structure and parking increases by 50 percent or more. The proposed development increases the area covered by buildings and parking by less than 50 percent.

Conclusion: The landscaping requirements apply only to the site area for the new structure and related parking, in accordance with Section 3.106.01.

Findings: Section 3.106.03.A.1 requires street trees to be planted along National Way. The site plan does not show street trees.

Conclusions: Street trees do not appertain directly to the new structure and related parking. Street trees are not required for the present development, per Section 3.106.01.

Findings: Section 3.106.03.A.2.b.2 provides that “All parking areas abutting a street shall provide a 42-inch vertical visual screen from the abutting street grade.” The site plan does not show parking spaces abutting a street.

Conclusion: The proposed development complies with Section 3.106.03.A.2.b.2.

WDO 3.107

Architectural Design Guidelines and Standards

Findings: Section 3.107.08.A provides that “The following design guidelines shall apply to all structures and buildings in the IP, IL and SWIR zones.” The proposed development is in the Industrial Park (IP) zone.

Conclusion: The proposed development is subject to the architectural design guidelines and standards of Section 3.107.08.

Findings: Section 3.107.08.B.2 provides that “Outdoor storage, when permitted, *shall* be screened from the view of abutting streets by a solid brick or architectural block wall not less than 6, nor more than 9 feet in height.” The site plan does not show outdoor storage. A site visit showed outdoor storage of farm equipment in the area of the proposed building.

Conclusion: The proposed development would ameliorate an existing situation by covering part of an area currently used for outdoor storage.

Findings: Section 3.107.08.B.5 provides that “Long blank walls abutting streets should be avoided. The visual impact of building and scale should be reduced by:

- a. Articulating building facades;
- b. Landscaping the area abutting building walls, including plant materials that provide vertical accents;
- c. Tying entrances to the structure to the overall mass and composition of the building;

- d. Minimizing the use of smooth concrete, concrete block and all types of metal siding;
- e. Shading colors with brown or black to create earth tones or tinting colors with white to soften the appearance. Day-glow, fluorescent and other intense colors shall be prohibited;
- f. Screening exterior building equipment, including roof top equipment, from view; and
- g. Altering roof lines, constructing cornices, or parapets that offset the continuous plane of large buildings and extended building lines.”

The building is a rectangular metal industrial building.

Conclusion: The proposed building does not meet the guideline of WDO 3.107.08.B.5. The proposed development may be approved without meeting the architectural guidelines.

Findings: Section 3.107.08.B.6 provides that “A solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 7 feet in height:

- a. Should be constructed on the perimeter property line of non-residential development to mitigate adverse visual, noise and/or light impacts on the abutting use when no comparable buffer exists.”

A site inspection found that the site is separated from abutting properties by a chain link fence with slats. Abutting properties are zoned IP, Industrial Park..

Conclusions: In the context of industrial developments, a chain link fence with slats may constitute an appropriate separation between properties. The proposed development may meet the guideline of WDO 3.107.08.B.6. The proposed development may be approved even without meeting the architectural guidelines.

Findings: Section 3.107.08.B.8 provides that “Obstruction of existing solar collectors on abutting properties by site development *should* be mitigated.” The site plan shows the proposed building to be located over 190 feet from the northerly property line. The side elevation drawing shows that the building height is approximately 28 feet.

Conclusions: The proposed building would not obstruct solar access for the property to the north. The proposed development meets the guideline of WDO 3.107.08.B.8.

WDO 3.110

Signs

Findings: A site visit found two existing pole signs on the Highway 99E frontage. Section 3.110.18 does not authorize pole signs in the IP zone. Section 3.110.20.B.4 requires that all signs on a site comply with Section 3.110 when a Type III Design Review is approved. The present case is a Type III Design Review. The property owner has requested a variance to allow the pole signs to remain.

Conclusions: The property owner must remove the existing pole signs, in accordance with Section 3.110.20.B.4, or obtain a variance.

WDO 5.103.11 Variance

Section 5.103.11.A provides that a variance from dimensional requirements may be granted when strict adherence to the WDO standards is not possible or imposes an excessive burden on the property owner, and when variance to the standards will not unreasonably impact adjacent existing or potential uses or development. Section 5.103.11.C lists five factors to be used as a guide in deliberations on the application:

Section 5.103.11.C.1: The variance is necessary to prevent unnecessary hardship relating to the land or structure, which would cause the property to be unbuildable by application of the WDO.

Findings: The two signs that are the subject of the variance are existing.

Section 5.103.11.C.2: Development consistent with the request will not be materially injurious to adjacent properties.

Findings: The property is zoned Industrial Park (IP). Abutting properties are zoned Industrial Park (IP). The two signs that are the subject of the variance are existing.

Section 5.103.11.C.3: Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.

Findings: The development allowed by the requested variances is not anticipated to affect drainage or other physical or natural systems. There are no dramatic land forms nearby. Nelson Park and Legion Park, the nearest public parks, are approximately $\frac{3}{4}$ mile away.

Section 5.103.11.C.4: The variance is the minimum deviation necessary to make reasonable economic use of the property.

Finding: The Planning Commission must weigh the reasonableness of the use of the property.

Section 5.103.11.C.5: The variance does not conflict with the Woodburn Comprehensive Plan.

Findings: The property is zoned Industrial Park (IP) and is designated Industrial on the Comprehensive Plan Map. The existing and proposed use of the property is industrial. Abutting properties are zoned Industrial Park (IP) and are designated Industrial on the Comprehensive Plan Map.

Conclusions: The property is not “unbuildable by application of the WDO.” The requested variance would not alter existing patterns of traffic or drainage, or other physical or natural systems, or be materially injurious to adjacent properties. The requested variance does not conflict with the Woodburn Comprehensive Plan.

Overall Conclusion

The proposed development meets or can meet the requirements of the Woodburn Development Ordinance with appropriate conditions of approval.

FINAL ORDER
DR 2010-07, VAR 2010-06
EXHIBIT B

The Planning Commission approves cases DR 2010-07 and VAR 2010-06, subject to the following conditions of approval:

1. The property owner shall execute an acceptance of these conditions of approval.
2. The property shall be developed in substantial conformity to the preliminary plans (Exhibits B, C, D and F), except as modified by these conditions of approval.
3. The applicant shall provide the full street improvements required by the Transportation System Plan for National Way (a sidewalk along the full frontage), or obtain an Exception to Street Right-of-Way and Improvement Requirements, in accordance with Section 3.101.02.D.
4. The property owner shall provide at least 5 additional off-street parking spaces, in accordance with Table 3.1.2.
5. The property owner shall provide at least 2 accessible parking spaces, including at least one van-accessible space, in accordance with ORS 447.233(2)(a) through (c).
6. The property owner shall provide parking space and aisle dimensions that comply with Table 3.1.4 for the 5 new off-street parking spaces.
7. The property owner shall provide directional markings and signs in the off-street parking area to control vehicle movement, in accordance with Section 3.105.02.H.5.
8. The additional off-street parking for the proposed development must be delineated by double parallel lines on each side of a space, in accordance with Section 3.105.02.H.5. The property owner is encouraged, but not required, to provide conforming striping for all parking spaces.
9. The property owner must provide one bicycle rack space, in accordance with Section 3.105.02.H.10.
10. The property owner shall remove the existing pole signs, in accordance with Section 3.110.20.B.4, or obtain a variance.

Attachments and Exhibits

Attachment "A" Applicant's response to Design Review criteria
Attachment "B" Applicant's response to Variance criteria
Attachment "C" Applicant's letter of November 29, 2010

Introduction-

Lot 2, Block 3 of Woodburn Industrial Park is located West of N. Pacific Highway (99E) and North of Industrial Avenue. The site has been developed as a farm equipment sale and service facility.

This proposal is to add a stand alone three bay shop area to the West of the existing building. The area of the new building will be 4,064 square feet and will have a restroom locate at the Northwest corner of the building. The building will be accessed from the East along the existing driveway.

The site is zoned Industrial Park (IP). The site is served with City sewer and water. The streets on each side of the site have been improved to City standards.

The elements of the Woodburn Development Ordinance are addressed as follows:

2.109 IP Zone

2.109.02 Special Permitted Uses

The WDO states that the proposed use is permitted as a special use subject to section 2.203.14.

2.109.06 Dimensional Standard

- A. Lot Standards- There are no minimum width or depth requirements
- B. Building Height - The maximum building height per code is 45 feet. The proposed building will be about 30 feet high.
- C. Setbacks and Buffer Improvement Standards
 - 1) Minimum Front Setback and Setback Abutting a Street
 - a. Dimmensions:
The minimum street side setback is 10 feet plus special setbacks per section 3.103.05. See discussion of Section 3.103 below.
 - b. Off street parking, Maneuvering and Storage:
Off street parking is prohibited within the required setbacks and is not proposed. Storage areas exist on the site and comply with WDO. Clear vision areas and vehicle access are discussed in section 3.103.10 and 3.104 which follow.
 - 2) Minimum Interior Side and Rear Setbacks
The proposed building is a minimum of 85 feet from any interior side property line.

2.109.07 Development Standards

Off street parking, setbacks, architectural design guidelines and signs are addressed in the section that follow.

2.230 Special Use Standards

Section 2.203.14 (A) (4) states that tractor and farm machinery and equipment dealers are a permitted use in the Industrial Park zone. The location shall be in an IP zone within 500 feet of Pacific Highway 99E. The use is subject to site plan review and lighting shall be oriented so that it does not shine onto abutting property or streets. The proposal complies with all requirements of this section as addressed in this narrative.

3.101 Street Standards

The proposed building is adjacent to National Way which is an existing fully improved street with the exception of sidewalks. The proposal is to construct a sidewalk adjacent to the building area.

3.102 Utilities and Easements

The site is served by all needed utilities

3.103 Setback, Open Space and Lot Standards

Table 3.1.1 states that the setback from the centerline of the street shall be between 33 feet and 50 feet.. The distance from the centerline of National Way and the property line is 45 feet and the setback from the property line to the building is 10 feet for a total setback of 55 feet.

A vision clearance triangle is required at the driveway intersection with the street curb. The triangle is to be 10 feet by 10 feet. The distance from the curb to the property line is 20 feet, therefore the vision triangle is in the City right of way and is provided as required.

3.104 Access

The site has direct access to National Way and Pacific Highway 99E. The of the streets are fully developed to City standards. The development will generate far less than 100 additional peak hour trips, A traffic analysis is not required. The driveway accesses are existing and comply with City standards.

3.105 Off Street Parking and Loading

Off street parking is set forth in Table 3.1.2. The total area of the buildings with the addition is 21,164 square feet. The sales area is 8,550 square feet and the equipment repair area will be 12,614 square feet. The required parking ratio for sales areas is 1 space per 400 square feet and for repair areas is 1 space per 800 square feet. Based on this requirement 37 spaces are required. There are 40 parking spaces existing on the site.

Off street loading is set forth in Table 3.1.3. Buildings used for other than residential or office use require three loading spaces for this size of building area. The spaces shall be 12 feet wide and 30 feet long. These spaces are provide at the existing building and no additional spaces are

required..

3.106 Landscape Standards

These standards apply to the site area of the new structure only. The addition is less than 50% of the covered area and parking area therefore the standard does not apply to the entire site. The final landscape plan will be submitted with the building permit as required by WDO 3.106.02. The areas to be landscaped are shown on the site plan.

3.107 Architectural Design Guidelines and Standards

The applicable design guidelines and standards for the Industrial Park Zone are contained in WDO 3.107.8.

Loading -Loading areas are at the rear of the existing building.

Outdoor Storage- Outdoor storage is located at the rear of the existing building.

Outdoor Lighting- Outdoor lighting is existing on the site and does not shine on adjacent property or cast a glare on public streets.

Building bulk and scale- The rear wall of the proposed building is blank. The visual impact will be reduced by providing landscaping.

Buffer Wall - This site does not abut a residential zone therefore architectural walls are not required.

3.110 Signs

No signs are proposed for this addition.



CITY OF WOODBURN

VARIANCE CRITERIA

Provide a written response in the spaces provided below to show how the proposed variance complies with each of the following criteria. Attach additional pages if necessary.

Criteria. A determination of whether the criteria set forth are satisfied necessarily involves the balancing of competing and conflicting interest. The factors that are listed to be considered are not criteria and are not intended to be an exclusive list. The factors to be considered are used as a guide in deliberations on the application.

1. The variance is necessary to prevent unnecessary hardship relating to the land or structure which would cause the property to be unbuildable by application of the *WDO*. Factors to consider in determining whether hardship exists, include:
 - a. Physical circumstances over which the applicant has no control related to the piece of property involved that distinguish it from other land in the zone, including but not limited to lot size, shape, topography.
 - b. Whether reasonable use similar to other properties can be made of the property without the variance.
 - c. Whether the hardship was created by the person requesting the variance.

SEE ATTACHED NARRATIVE

2. Development consistent with the request will not be materially injurious to adjacent properties. Factors to be considered in determining whether development consistent with the variance materially injurious include but are not limited to:
 - a. Physical impacts such development will have because of the variance, such as visual, noise, traffic and drainage, erosion and landslide hazards.
 - b. Incremental impacts occurring as a result of the proposed variance.

NONE

3. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.

NO IMPACT BECAUSE OF VARIANCE

4. The variance is the minimum deviation necessary to make reasonable economic use of the property;

SEE NARRATIVE

5. The variance does not conflict with the Woodburn Comprehensive Plan.

WOODBURN COMPREHENSIVE PLAN DOES NOT ADDRESS SIGNS

2929 N Pacific Highway Variance Criteria Narrative

Section 3.110 of the Woodburn Development Ordinance (WDO) does not allow pole signs on sites that are zoned as Industrial. Signs that were established prior to adoption of Section 3.110 are considered nonconforming signs and are to comply with Section 3.110 when a Type III Design Review land use application is approved for the premises upon which the sign is located.

Section 3.110.19 of the WDO allows for granting of a variance of any regulation of Section 3.110 if the provisions of Section 5.103.11 are met.

The site was developed prior to adoption of the section of WDO that restricts the use of pole signs in industrial zoned property. The sign were installed as a condition of the lease agreement for the farm equipment dealer that occupies the site. The owner of the property is proposing to add a repair shop to enhance the operation of the business. The construction of the shop requires a Type III Design Review.

The variance criteria set forth in Section 5.103.11 states that a variance may be granted where the following criteria is met:

1. Strict adherence to the WDO standards impose an excessive burden on the property owner.

Adherence to the WDO standards that require removal of the signs would result in the equipment dealer moving from the site. This would be an excessive burden on the property owner.

2. Variance to the standards will not unreasonably impact adjacent existing or potential uses or development.

Allowing the signs to remain if a repair shop is constructed will have no impact on adjacent properties.

☆ REC'D ☆

November 29, 2010

DEC 01 2010

WOODBURN COMMUNITY
DEVELOPMENT DEPT.

Department of Economic & Development Services
270 Montgomery Street
Woodburn, Oregon 97071
Attention: Donald Dolene & Jim Hendrix

RE: Design Review for 3 bay repair shop
2929 N Pacific Hwy, Woodburn

As you know we have submitted to the city of Woodburn an application for a 4064 square foot shop, along with a sign variance request for 2929 North Pacific Hwy. Woodburn, Oregon. Our tenant Ag West sent us the attached letter concerning the sign variance request. We are submitting this letter to the planning director, and request that it be made a part of the record for the public hearing.

Sincerely,



Jim Schlatter
16716 NW 61st Avenue
Ridgefield, Washington 98642
Phone 360-798-1001

ATTACHMENT C

DEC 01 2010

STEVE DANNER
GENERAL MANAGER
AG WEST SUPPLY
9055 RICKREALL RD.
RICKREALL OR 97371
503-363-2332



AG WEST SUPPLY

WOODBURN COMMUNITY
DEVELOPMENT DEPT.

November 23, 2010

Jim Schlatter
16716 NW 61st Ave
Ridgefield WA 98642

Dear Jim,

Ag West Supply, an Oregon Co-operative since 1932 and owned by approximately 5000 Willamette Valley Farmers has met with you to discuss building a 3 bay shop to expand our ability to service combines for area farmers. As the capacity increases, so would the need for additional living wage service technicians, parts support people and set up crews. It enhances the advantages for us to remain in Woodburn OR, improves your property, and would certainly increase the tax basis for Marion County and City of Woodburn.

The required signage for CaseIH, our primary supplier, is a pole sign that was installed in the 80's and updated several times since then. It was modified at the time of installation, to meet the local zoning ordinances, making it shorter than normal so it met code then.

I am surprised and disappointed that an improvement that is good for all parties could be derailed because of a sign ordinance. We are an established retail outlet, on a heavily traveled corridor, and removing the sign is not an option for our franchise or the continued promotion of our business. I hope you are successful in getting a variance on the code so that we can proceed.



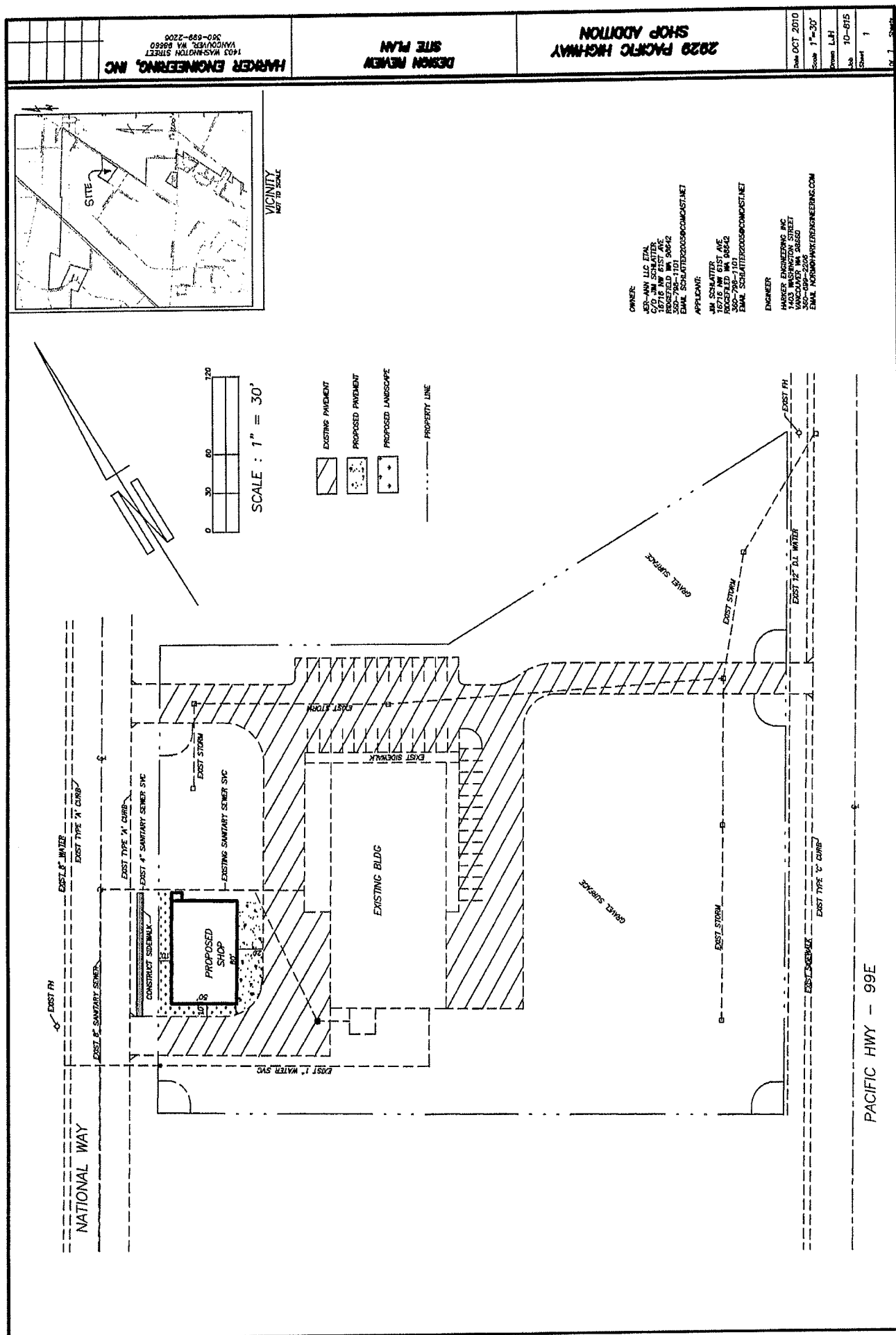
Sincerely,

Steve Danner

OTHER LOCATIONS

230 SOMMERVILLE LOOP HARRISBURG, OR 97446	185 W MAIN EXT HILLSBORO, OR 97123	36 N.W. A ST MADRAS, OR 97741	1125 WILCO RD STAYTON, OR 97383	2929 N PACIFIC HWY WOODBURN, OR 97071
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Exhibit "A"	Site Plan, Sheet 1 of 1, submitted October 22, 2010
Exhibit "B"	Floor Plan, submitted October 22, 2010
Exhibit "C"	Front Elevation, submitted October 22, 2010
Exhibit "D"	Side Elevation, submitted October 22, 2010
Exhibit "E"	Revised Site Plan, Sheet 1 of 1, submitted December 2, 2010
Exhibit "F"	Revised Site Plan, Sheet 1 of 1, submitted at the public hearing of December 9, 2010



2020 PACIFIC HIGHWAY SHOP ADDITION

DESIGN REVIEW SITE PLAN

HARKER ENGINEERING, INC.
 1403 WASHINGTON STREET
 VANCOUVER, WA 98660
 360-699-2200

OWNER:
 JER-JAN LLC ETAL
 C/O JIM SCHNATTER
 16716 NW 61ST AVE
 REDFIELDED, WA 98422
 360-788-1101
 EMAIL: SCHNATTER2006@COMCAST.NET

APPLICANT:
 JIM SCHNATTER
 16716 NW 61ST AVE
 REDFIELDED, WA 98422
 360-788-1101
 EMAIL: SCHNATTER2006@COMCAST.NET

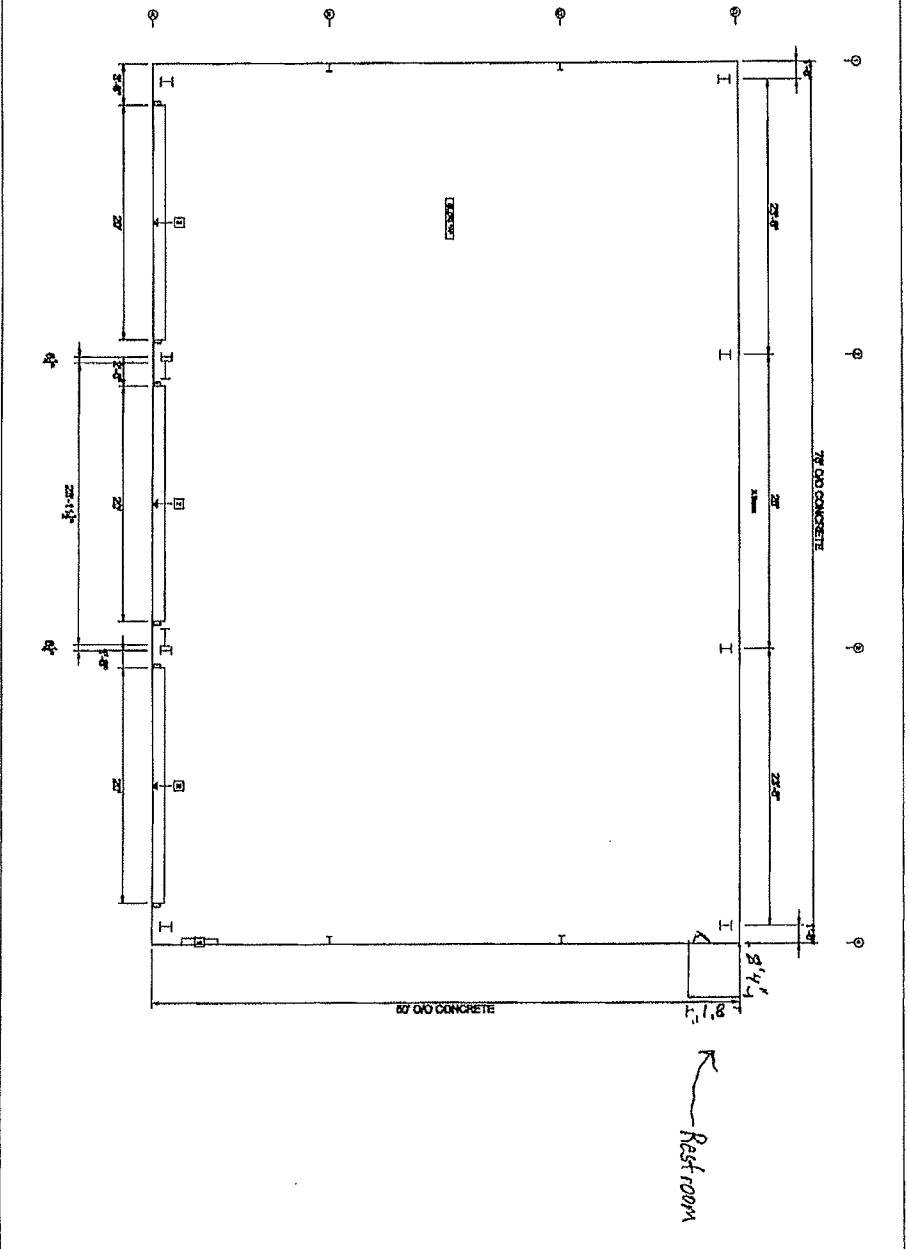
ENGINEER:
 HARKER ENGINEERING, INC.
 1403 WASHINGTON STREET
 VANCOUVER, WA 98660
 EMAIL: INFO@HARKERENGINEERING.COM

Date: OCT 2010
 Scale: 1"=30'
 Drawn: L.H.
 Job: 10-015
 Sheet: 1
 Of: 1 Sheet

Exhibit "A"

ACCESSORY SCHEDULE

Mark	Description	Qty.
1	3070 Knock Down 3070	1
2	20'-0" X 18'-0" FRAMED OPENING	3

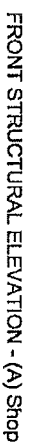


FLOOR PLAN - (A) Shop



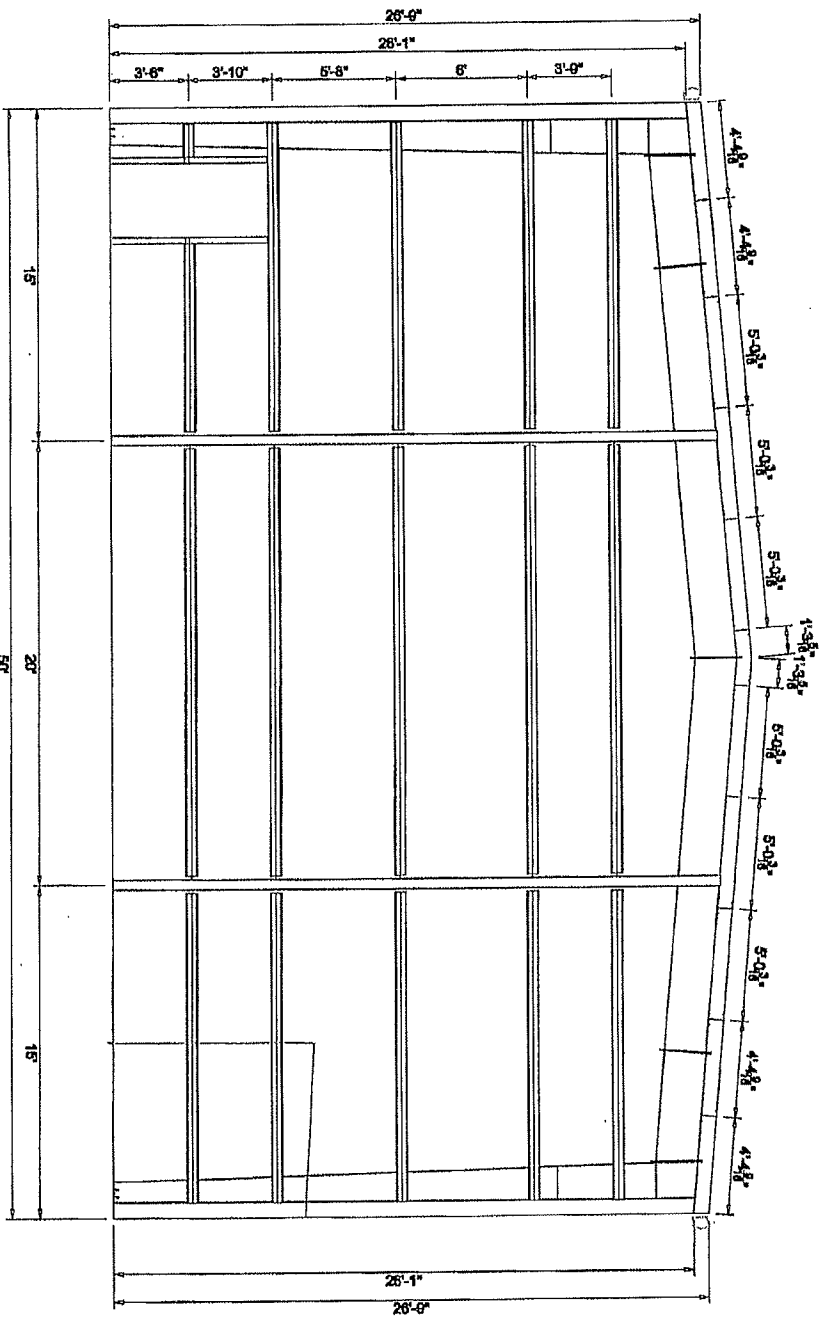
Exhibit "B"

[illegible]



MEMPHIS

NOT FOR CONSTRUCTION



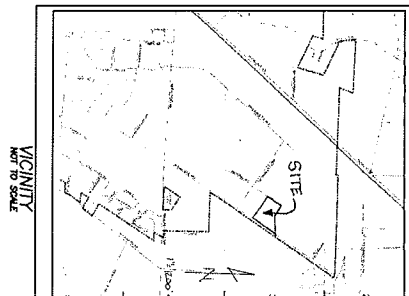
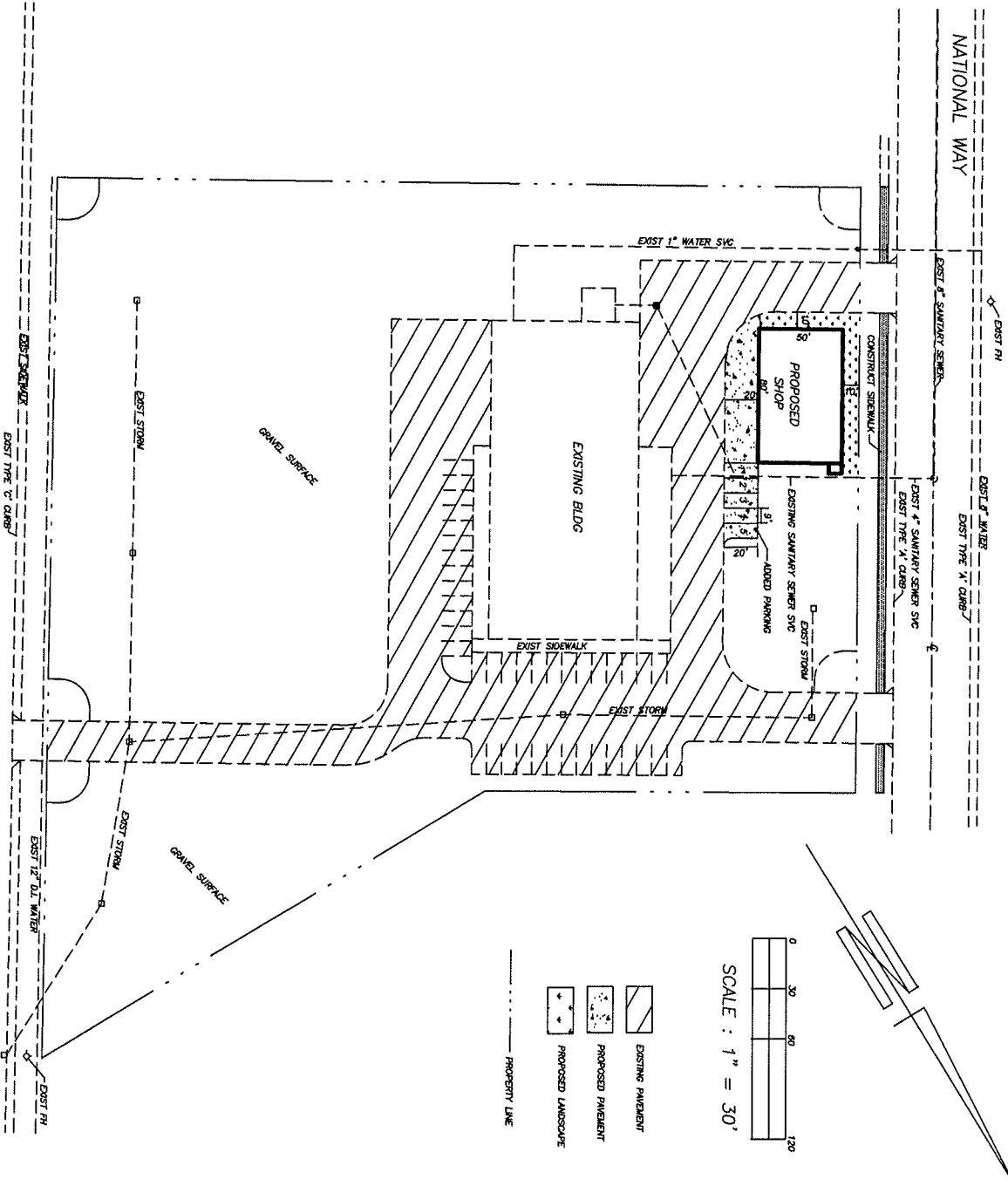
RIGHT STRUCTURAL ELEVATION - (A) Shop

This drawing is not for construction. This drawing is intended to provide information and is solely for sales presentation purposes. For clarity of presentation, items depicted may be different from actual design and final drawings. In the event of conflict between this drawing and the purchase order, the purchase order shall prevail.

	
AP Title Shop?	
Client I.A.D.	Client I.A.D.
Project	Project
100 South Pacific Hwy.	100 South Pacific Hwy.
Westport, OR 97143	Westport, OR 97143
10711018	10711018
CONTACT: DMV 304	
METALITE	
100 South Pacific Hwy.	
Westport, OR 97143	
10711018	
CONTACT: DMV 304	
METALITE	
100 South Pacific Hwy.	
Westport, OR 97143	
10711018	
CONTACT: DMV 304	

Exhibit E

PACIFIC HWY - 99E



OWNER:
J&S-ANN LLC ETL
C/O JIM SCHLATTER
15716 NW 61ST AVE
ROBERTS, WA 98042
360-799-1101
EMAIL: SCHLATTER2009@COMCAST.NET

APPLICANT:
JIM SCHLATTER
15716 NW 61ST AVE
ROBERTS, WA 98042
360-799-1101
EMAIL: SCHLATTER2009@COMCAST.NET

DRAWN BY:
HARKER ENGINEERING INC
VANCOUVER, WA 98040
360-699-2206
EMAIL: HARKER@HARKERENGINEERING.COM

2029 PACIFIC HIGHWAY
SHOP ADDITION

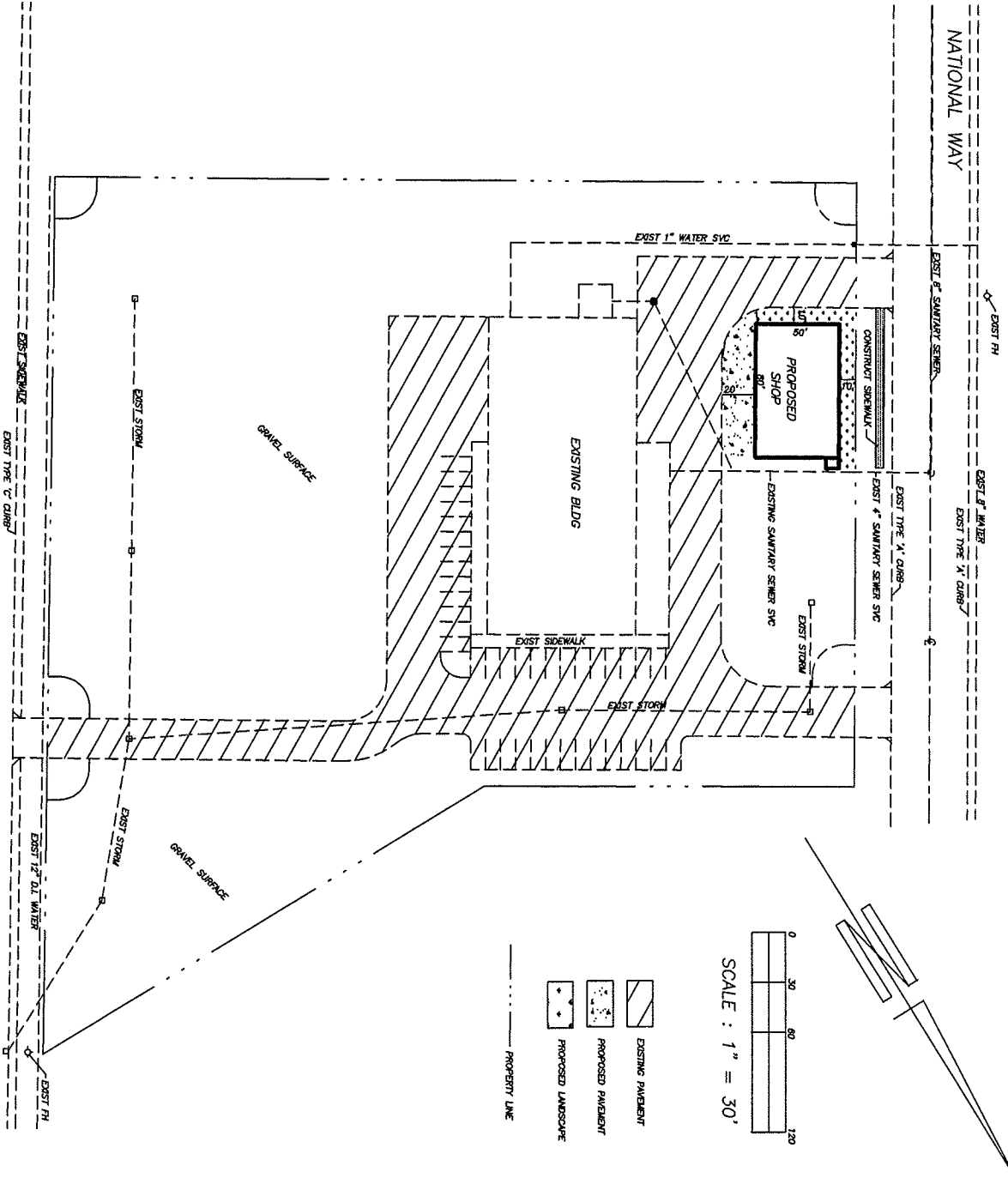
DESIGN REVIEW
SITE PLAN

HARKER ENGINEERING, INC
1403 WASHINGTON STREET
VANCOUVER, WA 98060
360-699-2206

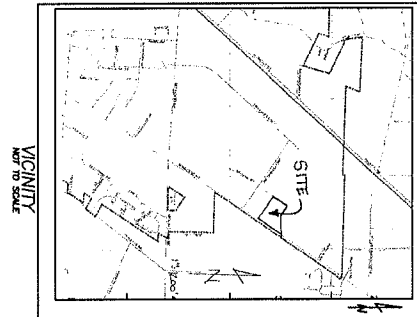
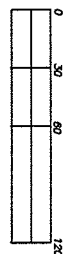
Plot OCT 2010
Scale 1"=30'
Drawn LH
Sub 10-B15
Sheet 1

Exhibit F

PACIFIC HWY - 99E



SCALE : 1" = 30'



OWNER:
JEN-KAY LLC ENL
1001 N. 4TH STREET
VANCOUVER, WA 98660
360-795-1101
EMAIL: SCHLATTER@JENKAY.COM

APPLICANT:
JAN SCHLATTER
18716 NW 81ST AVE
VANCOUVER, WA 98642
360-795-1101
EMAIL: SCHLATTER@JENKAY.COM

ENGINEER:
HARKER ENGINEERING, INC.
1403 WASHINGTON STREET
VANCOUVER, WA 98660
360-699-2206
EMAIL: INFO@HARKERENGINEERING.COM

2020 PACIFIC HIGHWAY
SHOP ADDITION

DESIGN REVIEW
SITE PLAN

HARKER ENGINEERING, INC
1403 WASHINGTON STREET
VANCOUVER, WA 98660
360-699-2206

Date	OCT 2010
Scale	1" = 30'
Drawn	LH
Check	1
Job	10-615
Sheet	1